

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate
of Bernard L. Madoff,

Plaintiff,

v.

UNIFORTUNE ASSET MANAGEMENT SGR SPA
and UNIFORTUNE CONSERVATIVE FUND,

Defendants.

Adv. Pro. No. 11-02553 (CGM)

STIPULATION AND ORDER

It is stipulated and agreed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the chapter 7 estate of Bernard L. Madoff, as well as Defendants Unifortune Asset Management SGR S.p.A, and Unifortune Conservative Fund (collectively referred to as “Defendants,” and together with the Trustee, the “Parties”), by and through their respective counsel, as follows:

WHEREAS, on August 25, 2011, the Trustee commenced this adversary proceeding (the “Action”) against Defendants to, among other things, recover transfers allegedly received from Fairfield Sentry Limited and Fairfield Sigma Limited, (the “Fairfield Funds”) pursuant to 11 U.S.C. § 550;¹ and

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, and **SO ORDERED** by the Court that:

1. The Trustee will file an Amended Complaint, attached to this Stipulation as Exhibit A, within three business days of the Court’s approval of this Stipulation. The Clerk of the Court is hereby requested to amend the caption as reflected on Exhibit B to this Stipulation.

2. The deadline for Defendants to respond to the Amended Complaint in the Action shall be March 31, 2023.

- If any Defendant files a motion to dismiss the Amended Complaint, such motion will comply with Federal Rule of Civil Procedure 12. The deadline for the Trustee to respond to such motion shall be May 26, 2023.
- The deadline for the Defendants to file any replies shall be June 30, 2023.

3. If any Defendant files a motion to dismiss the Amended Complaint, then any Party may request oral argument on such motions at the Court’s first available convenience.

4. The deadlines established by this Stipulation are without prejudice to either Party seeking future extensions of time.

5. The Parties reserve all rights, arguments, objections, and defenses they may have and entry into this Stipulation and Order shall not impair or otherwise affect any such rights,

¹ Compl., *Picard v. Unifortune Asset Management SGR SpA and Unifortune Conservative Fund (In re BLMIS)*, Adv. Pro. No. 11-02553 (CGM) (Bankr. S.D.N.Y. Aug. 25, 2011), ECF No. 1. Future references to docket entries of *Picard v. Unifortune Asset Management SGR SpA and Unifortune Conservative Fund*, Adv. Pro. No. 11-02553 (CGM) (Bankr. S.D.N.Y.) shall be identified as the “Unifortune Docket.”

arguments, objections, and defenses, including, without limitation, challenges to personal jurisdiction or to the jurisdiction of this Court.

[Signatures on following page]

Dated: February 2, 2023

BAKER & HOSTETLER LLP

By: /s/ Dean D. Hunt
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com

811 Main Street, Suite 1100
Houston, Texas 77002
Telephone: 713.751.1600
Facsimile: 713.751.1717
Dean D. Hunt
Email: dhunt@bakerlaw.com
Farrell Hochmuth
Email: fhochmuth@bakerlaw.com
Sarah M. Hayes
Email: shayes@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

JENNER & BLOCK LLP

By: /s/ Richard Levin
1155 Avenue of the Americas
New York, NY 10036-2711
Telephone: 212.891.1601
Facsimile: 212.891.1699
Richard Levin
Email: rlevin@jenner.com

*Attorney for Unifortune Asset Management
SGR SPA and Unifortune Conservative Fund*

**Dated: February 3, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**